



W.P.No18360 & 18363 of 2023

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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 04.09.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

**W.P.Nos.18360 & 18363 of 2023**

J.Pandi ... Petitioner in W.P.No.18360 of 2023

1. K.Srinivasan  
2. K.Kumarasamy ... Petitioners in W.P.No.18363 of 2023

Vs

1. Government of Tamilnadu Rep. by its Secretary,  
Environment and Forest Department,  
Fort St. George, Chennai – 600 009.
2. The Principal Chief Conservator of Forests,  
Panagal Building, Saidapet, Chennai – 600 015.  
... Respondents in both WPs

Common Prayer :- Writ Petitions filed under the Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents to include the petitioner to the post of Forester for the year 2011-2012 give promotion to the petitioner to the post of Forester on par with his juniors (i.e) 18.04.2013 without insisting for completion of



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Vaigai Dam Training within specified period on 15.08.2011 in the light of the order passed by this Court in W.P.No.40881 of 2016 dated 22.11.2016 same was affirmed by Division Bench in W.A. No.2682 of 2019 dated 07.07.2021 and same was confirmed by the Supreme Court S.L.P.(CIVIL) Diary Nos.(S) 27674 of 2022 dated 26.09.2022 with all consequential service and monetary benefits.

For petitioners : Mr.S.Mani  
in both WPs

For Respondents : Mr.R.Neelakandan,  
in both WPs Additional Advocate General  
Assisted by Mr.S.Arumugam

### **COMMON ORDER**

These Writ Petitions have been filed to direct the respondents to include the petitioner to the post of Forester for the year 2011-2012 give promotion to the petitioner to the post of Forester on par with his juniors (i.e) 18.04.2013 without insisting for completion of Vaigai Dam Training within specified period on 15.08.2011 in the light of the order passed by this Court in W.P.No.40881 of 2016 dated 22.11.2016 same was affirmed by Division Bench in W.A. No.2682 of 2019 dated 07.07.2021 and same was confirmed by the Supreme Court S.L.P.(CIVIL) Diary



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Nos.(S) 27674 of 2022 dated 26.09.2022 with all consequential service and monetary benefits.

2. The case of the petitioners is that their name were not included in the promotion panel for the year 2011-2012. It is submitted by the learned counsel for the petitioners that for similarly situated persons the same has been implemented and the SLP filed against the said order has also been dismissed. Hence, seeks a direction to the respondents to include their name in the panel for promotion.

3. The only contention of the learned Additional Advocate General is that the petitioners have not undergone training at Vaigai Dam. Therefore, now their request cannot be considered.

4. It is relevant to note that this Court in an identical case in W.P.No.40881 of 2016 by an Order dated 22.11.2016 has held that the petitioners have not been deputed to Vaigain Dam Training for a long time and if the department fails to post them at a particular place for



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training, the employee could not be blamed for the same and hence, directed the the respondents to include the name of the petitioner in the panel for the year 2011-2012 and promote them as Foresters from the date on which their juniors were promoted on notional basis. The appeal filed against the said Order in W.A.No.2682 of 2019 has been dismissed by the Division Bench of this Court by an Order dated 07.07.2021. It is to be noted that the petitioners have already completed 58 years and they in the verge of retirement. It is also to be noted that they are already in the Forest, and the training for the petitioners can be dispensed with. In such view of the matter, the benefit of the above Order has to be extended to the petitioners and the impugned Order has to be quashed.

5. Accordingly, the respondents are directed to include the name of the petitioners in the panel for the year 2011-2012 and promote them as forester from the date on which their juniors were promoted on notional basis within a period of four weeks from the date of receipt of a copy of the Order.



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6. With the above directions, these Writ Petitions are disposed of.

No costs.

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Index:Yes/No

Neutral Citation : Yes/No

vrc

To,

1. The Secretary,  
Environment and Forest Department,  
Fort St. George, Chennai – 600 009.
2. The Principal Chief Conservator of Forests,  
Panagal Building, Saidapet, Chennai – 600 015.



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**N.SATHISH KUMAR, J.**

VTC

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